



PATENT
TS-6413 (US)
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Eugene R. Montalvo

Date: October 25, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)	
)	
Douwe J. Runia and Eugene A. Murphy)	
)	
Serial No. 10/712,924)	Group Art Unit: 3672
)	
Filed November 13, 2003)	Examiner: NA
)	
DRILLING A BOREHOLE)	October 25, 2004
)	

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER RULE 1.78(a)(3)

The Applicant hereby requests consideration of this Petition Under Rule 1.78(a)(3).

The undersigned recently became aware that the old practice of being able to insert a cross reference to a prior U.S. application by requesting such in the patent application transmittal form was changed by the new amendment practice effective July 30, 2003. It was at this time that the undersigned reviewed this patent application and found out that the amendment to include the required cross reference to the provisional application serial number 60/426,648 had only been requested at the time of filing in the transmittal form. The undersigned states that this error to include a preliminary amendment along with the filing was unintentional and that the entire delay in submitting this amendment was unintentional. The Applicant requests that the amendment of the specification in the amendment filed concurrently herewith be accepted.

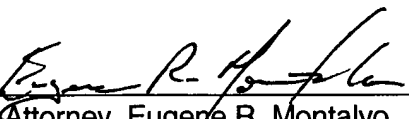
10/29/2004 MAHME1 00000091 191800 10712924

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The Applicant requests that the fee for filing this petition and any fee/surcharge required for late filing of the amendment to include the cross reference to the prior application be charged to Shell Oil Company Deposit Account 19-1800.

Respectfully submitted,

Douwe J. Runia and Eugene A. Murphy

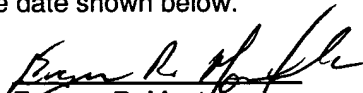
By 
Attorney, Eugene R. Montalvo
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Alexandria, VA 22313-1450

Sir:

AMENDMENT

The Applicant has noted that in the publication of this application, U.S. 2004/0118611, the specification was not amended to insert a reference to the provisional application, Serial No. 60/426,648, filed November 15, 2002, even though a request was made to amend the specification that way in the utility patent application transmittal form filed with the application on November 13, 2003. A copy of that document is enclosed and it can be seen by looking at paragraph 4b that the request for inserting before the first line the reference to the provisional application was made. The Applicant hereby requests that correction of the patent application be made.

The Applicant believes that the request for the amendment was made in accordance with the rules in effect at that time. The new practice for amending applications did not go into effect until July 30, 2003. However, if the Applicant is incorrect, the undersigned hereby requests that the application be amended as follows:

In the Specification:

Please amend the specification by inserting before the first line:

This application claims the benefit of U.S. Provisional Application No. 60/426,648 filed November 15, 2002, the entire disclosure of which is hereby incorporated by reference.

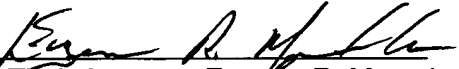
REMARKS

As stated previously, the Applicant believes that the amendment of the specification was made in accordance to the proper practice since it was included in the utility patent application transmittal form prior to the effective date of the new amendment practice. However, if the Examiner finds that the application was not submitted in accordance with the proper procedure, the Applicant requests that the application be amended as described on the previous page and that the attached petition under Rule 1.78(a)(3) be accepted.

The Applicant hereby requests that the fee/surcharge for making this amendment to include the cross reference to the prior application and to be charged to Shell Oil Company Deposit Account No. 19-1800.

Respectfully submitted,

Douwe J. Runia and Eugene A. Murphy

By 
Their Attorney, Eugene R. Montalvo
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